



PATENT
Attorney Docket 44921-5047-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Mark B. Rabin**)
Application No. **09/982,835**) Art Unit: **1655**
Filed: **October 22, 2001**) Examiner: **Not Assigned**
For: **Mutations in the BRCA1 Gene**)

Box Missing Parts

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

1. This paper is filed in response to the Notice of Missing Parts of Nonprovisional Application Filed Under 37 C.F.R. 1.53(b) dated November 20, 2001. A copy of the Notice of Missing Parts is enclosed.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicant petitions for a one-month extension of time from January 20, 2002 to February 20, 2002, the extension fee for which is \$55.00 as set out in 37 C.F.R. 1.17(a)-(d) for small entities. If an additional extension of time is required, please consider this a petition therefor.
3. Amendments: A review of the Notice of Missing Parts indicates that the preliminary amendment filed on October 22, 2001 was not taken into consideration when calculating the outstanding application filing fees due by Applicant. Therefore, prior to calculation of the application filing fees, please cancel claims 1-66, without prejudice or disclaimer of Applicant's right to file divisional applications containing the subject matter of these claims, and add new claims 67-84 as shown on the attached copy of the Preliminary Amendment.
4. Fee Calculation (37 C.F.R. 1.16):

CLAIMS FOR FEE CALCULATION						
	Remaining		Previously Paid	Extra	Rate	Basic Fee: \$740.00
Total Claims	18	minus	0	0	\$18 each	+ 0.00
Independent Claims	5	minus	0	2	\$84 each	+ 168.00
First presentation of Multiple dependent claim					\$280.00	+ 0.00
Sub-total =						= 908.00
Reduction by 1/2 for filing by a small entity						- 454.00
Total Fee =						\$454.00

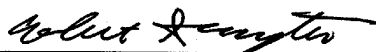
02/27/2002 SHINASS1 00000008 500310 09982835

04 FC:215 55.00 CH

5. Fee Payment: The Commission is hereby authorized to charge **\$658.00** to Deposit Account 50-0310 for payment of the application filing fee (\$370.00), additional independent claims fee (\$168.00), missing parts surcharge fee (\$65.00) and the one-month extension of time fee (\$55.00).
6. Additional Papers Filed:
 - (i) Request to Transfer Electronic Copy of Sequence Listing
 - (ii) Statement Accompanying Sequence Listing
 - (iii) Sequence Listing (9 pages)
7. Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account 50-0310.

Dated: **February 20, 2002**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted
Morgan, Lewis & Bockius LLP



Robert Smyth
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MORGAN, LEWIS & BOCKUS LLP

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/982,835	10/22/2001	Mark B. Rabin	44921-5047-02

009629

MORGAN, LEWIS & BOCKIUS
1800 M STREET NW
WASHINGTON, DC 20036-5869



CONFIRMATION NO. 8480

FORMALITIES LETTER



OC000000007095685

Date Mailed: 11/20/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

02/27/2002 SMINASSI 00000008 500310 09982835

FILED UNDER 37 CFR 1.53(b)

01 FC:201 370.00 CH
02 FC:205 65.00 CH
03 FC:202 168.00 CH

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$126.
 - \$126 for 3 independent claims over 3.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 561.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.


Adjustment date: 03/14/2002 KHARMOL
02/27/2002 SMINASSI 00000008 500310 09982835
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03/14/2002 KHARMOL 00000007 500310 09982835
01 FC:202 84.00 CH

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE